

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUSTIN SAMUELS,

Plaintiff,

v.

BARNARD COLLEGE,

Defendant.

23 Civ. 6181 (PAE)

ORDER OF SERVICE

PAUL A. ENGELMAYER, United States District Judge:

Plaintiff Justin Samuels, of Barreiro, Portugal, who appears *pro se*, brings this action asserting claims under Title IX of the Civil Rights Act of 1964 and the Fourteenth Amendment's Equal Protection Clause against defendant Barnard College, a small liberal arts college in New York. He may be further asserting claims under the New York State Human Rights Law. Samuels seeks damages as well as injunctive and declaratory relief.<sup>1</sup>

By order dated July 18, 2023, the Court granted Samuels's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. The Court directs service on Barnard College.

**DISCUSSION**

Because Samuels has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6

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<sup>1</sup> Plaintiff's amended complaint, Dkt. 9, is the operative pleading for this action.

<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Samuels is proceeding IFP and could not have served a summons and the amended complaint on Barnard College until the Court reviewed the amended complaint and ordered that a summons be issued for that defendant. The Court therefore extends the time to serve Barnard College until 90 days after the date that a summons is issued for that defendant.

(2d Cir. 2013); *see also* § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Samuels to effect service on Barnard College through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for that defendant. The Clerk of Court is further instructed to issue a summons for Barnard College, and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon that defendant.

If the amended complaint is not served on Barnard College within 90 days after the date the summons is issued for that defendant, Samuels should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Samuels must notify the Court in writing if his address changes, and the Court may dismiss the action if Samuels fails to do so.


### CONCLUSION

The Court directs the Clerk of Court to mail an information package to Samuels.

The Court also directs the Clerk of Court to issue a summons for Barnard College, complete a USM-285 form with the address for that defendant, and deliver all documents necessary to effect service on that defendant to the U.S. Marshals Service.

SO ORDERED.

Dated: October <sup>30</sup>~~27~~, 2023  
New York, New York

  
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PAUL A. ENGELMAYER  
United States District Judge

**DEFENDANT AND SERVICE ADDRESS**

Barnard College  
Office of the General Counsel  
3009 Broadway  
New York, New York 10027